

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ALI POORSINA,
Plaintiff,
v.
TAN TSENG, et al.,
Defendants.

Case No. [20-cv-09122-AGT](#)

**ORDER DENYING MOTION FOR
DEFAULT JUDGMENT**

Re: Dkt. No. 19

Before the Court is pro se plaintiff Ali Poorsina's motion for default judgment against all defendants. Dkt. 19. The motion is denied as procedurally improper.

Obtaining a default judgment in federal court involves a two-step process: (1) seeking a clerk's entry of default under Rule 55(a), and (2) filing a motion for entry of default judgment under Rule 55(b). Fed. R. Civ. P. 55(a), (b); *Eitel v. McCool*, 782 F.2d 1470, 1471 (9th Cir. 1986) (recognizing "two-step process required by Rule 55"); *Symantec Corp. v. Glob. Impact, Inc.*, 559 F.3d 922, 923 (9th Cir. 2009) (noting Rule 55's "two-step process of 'Entering a Default' and 'Entering a Default Judgment'"). When the clerk has not entered default against a defendant, a motion for default judgment against that defendant is improper. *Bradford v. Voong*, 2017 WL 6558586, at *1 (N.D. Cal. Dec. 22, 2017) (denying motion for default judgment because the clerk had not entered default and collecting cases doing same).


In the pending motion, Poorsina claims that "the Clerk made an entry of default pursuant to Rule 55(a) [] on June 1, 2021." Dkt. 19 at 1. The docket, however, reveals that Poorsina has not requested or obtained entry of default by the Clerk of Court. Accordingly, his motion for default judgment is not properly before the undersigned and is denied without prejudice.

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Poorsina is encouraged to visit the Court’s website, where he can obtain information and resources about appearing pro se. *See* U.S. District Court, N.D. Cal., Representing Yourself, <https://cand.uscourts.gov/pro-se-litigants/>. Poorsina may also schedule an appointment with the Legal Help Center by emailing fedpro@sfbbar.org, or by calling (415) 782-8982.

IT IS SO ORDERED.

Dated: July 8, 2021



ALEX G. TSE
United States Magistrate Judge